

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

JORDAN BRANSCUM,

No. C 11-04137 LB

Plaintiff,

**ORDER VACATING PRETRIAL
CONFERENCE AND TRIAL**

v.

SAN RAMON POLICE DEPARTMENT, et
al.,Defendants.

On February 23, 2012, the court issued a case management order that set the pretrial conference in this case for April 11, 2013 and the five-day trial to begin on April 22, 2013. *See* 2/23/2013 Order, ECF No. 21. On December 22, 2012, the court denied the parties' cross-motions for summary judgment. *See* 12/22/2012 Order, ECF No. 56. On January 10, 2013, Defendants filed a notice of appeal requesting that the Ninth Circuit Court of Appeals review the court's summary judgment order. *See* Notice of Appeal, ECF No. 57; Amended Notice of Appeal, ECF No. 61.

"Once a notice of appeal is filed, the district court is divested of jurisdiction over the matters being appealed." *Natural Res. Def. Council v. Sw. Marine, Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001). The purpose of this rule is to, "promote judicial economy and avoid confusion that would ensue from having the same issues before two courts simultaneously. The principle of exclusive appellate jurisdiction is not, however, absolute. The district court retains jurisdiction during the pendency of an appeal to act to preserve the status quo." *Id.*

1 To preserve the status quo while the Ninth Circuit considers the court's summary judgment
2 order, the court **VACATES** the April 11, 2013 pretrial conference and the April 22, 2013 trial. The
3 parties shall file a status report no later than 14 days after the Ninth Circuit issues its ruling.

4 **IT IS SO ORDERED.**

5 Dated: April 3, 2013



LAUREL BEELER
United States Magistrate Judge